

September 4, 2018

Elisa Chinn-Gary
Mecklenburg County Clerk of Court
P.O. Box 37971
Charlotte, NC 28237-7971

Re: *Michael F. Miltich v. Michelle Ferlauto*
Mecklenburg County Case No. 18-CVS-12964

Dear Ms. Chinn-Gary:

Please find enclosed for filing an original and two copies of each of the following documents:

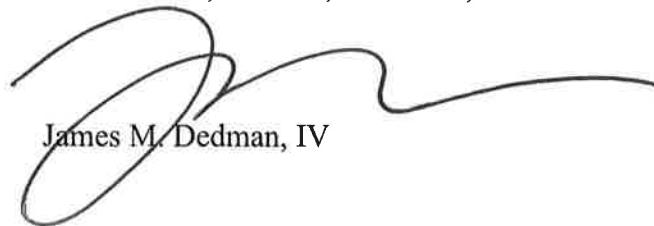
1. Motion to Dismiss (Pursuant to Rule 12(b)(6));
2. Motion for Sanctions;
3. Answer to Complaint (Subject to Motion to Dismiss);
4. Notice of Hearing on Motion to Dismiss and Motion for Sanctions (along with a check in the amount of \$20.00 for the filing fee);
5. Notice of Appearance of James M. Dedman, IV; and
6. Certificate of Service.

Once the documents have been filed, we would appreciate it if you would please return the file-stamped copies in the enclosed, self-addressed stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

GALLIVAN, WHITE, & BOYD, P.A.



James M. Dedman, IV

JMD/jms
Enclosures

cc: Michael K. Elliott (w/enc.; via U.S. Mail)
Eric Spengler (w/enc.; via email only)
Trial Court Administration (w/Notice of Hearing only)

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18-CVS-12964

MICHAEL F. MILTICH,

Plaintiff,

v.

MICHELLE FERLAUTO,

Defendant.

MOTION TO DISMISS

Pursuant to North Carolina Rule of Civil Procedure 12(b)(6), Defendant Michelle Ferlauto ("Ferlauto") moves to dismiss this proceeding and all claims asserted in the Complaint of Plaintiff Michael F. Miltich ("Plaintiff"). This motion is based on the following grounds:

1. Plaintiff's Complaint should be dismissed because the conduct alleged in the Complaint is protected by the First Amendment to the United States Constitution and Article I, Section 14 of the North Carolina Constitution.

2. Plaintiff's defamation claim should be dismissed because the allegedly defamatory statement is a statement of opinion which is protected by the First Amendment of the United States Constitution and Article I, Section 14 of the North Carolina State Constitution.

3. Plaintiff's N.C.G.S. § 15A-296 claim should be dismissed because the information allegedly obtained in violation of that statute was already in the public domain at the time of Plaintiff's reference to and/or use thereof.

4. Plaintiff's claim should be dismissed because N.C.G.S. § 15A-287 is unconstitutional on its face and as applied in this matter because Ferlauto's conduct is protected by the First Amendment of the United States Constitution and the Freedom of Press Provision of

the North Carolina State Constitution. For the same reasons, the statute is unconstitutionally overbroad.

5. Plaintiff's "Third Claim of Relief" for punitive damages should be dismissed because punitive damages is not its own claim for relief, but rather a component of another cause of action.


6. Plaintiff's claims for injunctive relief should be dismissed for failure to provide the basis of any such request for injunctive relief. Such claims for injunctive relief also violate the First Amendment of the United States Constitution and Article I, Section 14 of the North Carolina Constitution.

CONCLUSION

For these reasons, Ferlauto respectfully requests that this Court enter an order dismissing the Complaint and all claims asserted pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure. Ferlauto's grounds for dismissal are discussed in more detail in hearing materials she plans to submit pursuant to the District 26 Superior Court Division Civil Rules.

September 4, 2018

Respectfully Submitted,



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Counsel for Defendant Michelle Ferlauto

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18-CVS-12964

MICHAEL F. MILTICH,

Plaintiff,

v.

MICHELLE FERLAUTO,

Defendant.

MOTION FOR SANCTIONS

Pursuant to North Carolina Rule of Civil Procedure Rule 11 and the Court's inherent authority, Defendant Michelle Ferlauto ("Ferlauto") moves for an order of sanctions against Plaintiff Michael F. Miltich ("Plaintiff"). This motion is based on the following grounds:

A public elected official of the Town of Cornelius, Plaintiff filed this action against Ferlauto in a clear attempt to discourage public debate, criticism, and conduct which is protected by the First Amendment of the United States Constitution and Article I, Section 14 of the North Carolina Constitution. In so doing, Plaintiff seeks to discourage public participation in the political process. In light of the fact that the conduct alleged in Plaintiff's Complaint is clearly protected by the First Amendment of the United States Constitution and the North Carolina State Constitution, Plaintiff's suit violates Rule 11 of the North Carolina Rules of Civil Procedure.

Further, in paragraph 17 of the Complaint, Plaintiff alleges that he "has not been accused of sexual harassment," a misleading statement which Plaintiff knows to be false.

Accordingly, as a result of being forced to defend litigation brought in bad faith, Ferlauto seeks her costs and attorney's fees in having to defend this frivolous and vexatious litigation. Further, in addition to the grounds set forth in its motion to dismiss under Rules 12(b)(6),


Ferlauto also seeks a dismissal of this lawsuit and/or the striking of the Complaint pursuant to North Carolina Rule of Civil Procedure 11.

Ferlauto attempted in good faith to resolve this matter with Plaintiff by way of August 31, 2018 correspondence requesting the dismissal of this lawsuit. However, as of the time of the filing of this motion for sanctions, Ferlauto has received no response from Plaintiff.

CONCLUSION

Ferlauto requests that this Court grant this motion. This motion is based on the statutory and common law of the State of North Carolina, the pleadings in this matter, and an affidavit of costs and fees incurred by Ferlauto to be submitted prior to the hearing on this motion.

Respectfully Submitted,



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September 4, 2018

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

MICHAEL F. MILTICH,

Plaintiff,

v.

MICHELLE FERLAUTO,

Defendant.

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

18-CVS-12964

**ANSWER TO COMPLAINT
(SUBJECT TO MOTION TO DISMISS)**

(JURY TRIAL DEMANDED)

Defendant Michelle Ferlauto (“Ferlauto”) answers the Complaint of Plaintiff Michael F. Miltich (“Plaintiff”) and respectfully alleges and shows unto the Court as follows:

FOR A FIRST DEFENSE

1. On information and belief, Ferlauto admits the allegations contained in paragraph 1 of the Complaint.
2. Ferlauto admits the allegations contained in paragraph 2 of the Complaint.
3. The allegations of paragraph 3 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, Ferlauto denies the allegations contained in paragraph 3 of the Complaint to the extent that they are contrary to the statutory or common law of the State of North Carolina. Ferlauto notes that she does not contest the propriety of venue in this matter.
4. Ferlauto admits so much of the allegations contained in paragraph 4 of the Complaint as allege that Plaintiff purports to bring an action for defamation and/or the recovery of civil damages pursuant to N.C.G.S. § 15A-296 in this matter. However, Ferlauto denies the allegations contained in paragraph 4 of the Complaint to the extent that they suggest that she is in any way liable to Plaintiff. Ferlauto further states that the allegations brought by Plaintiff in this

matter are frivolous because the conduct in question is protected by the First Amendment of the United States Constitution and Article I, Section 14 of the North Carolina Constitution.

5. Ferlauto admits so much of the allegations of paragraph 5 of the Complaint as allege that Plaintiff is a public official who currently serves as Mayor Pro Tem of the Town of Cornelius, North Carolina. Ferlauto further admits so much of the allegations of paragraph 5 of the Complaint as allege that Plaintiff was once employed as an otolaryngologist at Charlotte Eye, Ear, Nose & Throat Associates, P.A. However, Ferlauto denies the allegations of paragraph 5 of the Complaint to the extent that they allege that Plaintiff is currently employed by and/or otherwise affiliated with Charlotte Eye, Ear, Nose & Throat Associates, P.A. Ferlauto denies the remaining allegations contained in paragraph 5 of the Complaint.

6. Ferlauto admits so much of the allegations of paragraph 6 of the Complaint as allege that in 2017 she participated in the political process and sought elected office and a seat on the Town of Cornelius Board of Commissioners. Ferlauto denies the remaining allegations of paragraph 6 of the Complaint.

7. Ferlauto lacks sufficient information to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint, and therefore, denies them.

8. Ferlauto lacks sufficient information to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint, and therefore, denies them.

9. Ferlauto denies the allegations contained in paragraph 9 of the Complaint.

10. Ferlauto denies the allegations contained in paragraph 10 of the Complaint.

11. Ferlauto admits so much of the allegations of paragraph 11 of the Complaint as allege that she, as a constituent of Plaintiff, sought to pose questions to her elected representative

as is her right as a citizen of the Town of Cornelius, the State of North Carolina, and the United States of America. Ferlauto denies the remaining allegations of paragraph 11 of the Complaint.

12. Ferlauto lacks sufficient information to form a belief as to the allegations contained in paragraph 12 of the Complaint which relate to the circumstances by which a reporter approach Plaintiff. The news article linked by Plaintiff in paragraph 12 of the Complaint speaks for itself, and Ferlauto admits that the news story linked by Plaintiff says what it says. Ferlauto denies the remaining allegations of paragraph 12 of the Complaint.

13. Ferlauto admits so much of the allegations of paragraph 13 of the Complaint as allege that the May 2018 news story linked by Plaintiff says what it says and notes that “Channel 9 obtained the recording from an anonymous source earlier this week.” Ferlauto denies the remaining allegations of paragraph 13 of the Complaint to the extent that they are inconsistent with the news story referenced and linked by Plaintiff.

14. Ferlauto admits so much of the allegations of paragraph 14 of the Complaint as allege that she posted a link on Facebook to the news story described in paragraph 12 of the Complaint. However, Ferlauto notes that Plaintiff’s use of quotation marks and brackets in paragraph 14 of the Complaint attempts to mischaracterize the nature of the statement at issue. Accordingly, Ferlauto denies the allegations contained in paragraph 14 of the Complaint to the extent that they are inconsistent with and/or mischaracterize the statement she made on May 17, 2018. Ferlauto denies the remaining allegations contained in paragraph 14 of the Complaint.

15. Ferlauto denies the allegations contained in paragraph 15 of the Complaint.

16. Ferlauto admits the allegations contained in paragraph 16 of the Complaint.

17. Ferlauto admits so much of the allegations of paragraph 17 of the Complaint as allege that the reference to the fire department in the May 31, 2018 Facebook post relate to the

recording which was obtained and published by the television news station, WSOC. Ferlauto further admits that she exercised her constitutional rights to comment upon the actions of a public official whose statements were published in the media. Ferlauto denies the allegations contained in paragraph 17 of the Complaint to the extent they suggest Plaintiff has not been accused of sexual harassment or improper conduct. Plaintiff was accused of sexual harassment and other inappropriate conduct and investigated by the Town of Cornelius in 2016, two years before Plaintiff filed a Complaint alleging that he “has not been accused of sexual harassment.” Ferlauto denies the remaining allegations contained in paragraph 17 of the Complaint.

18. Ferlauto admits so much of the allegations of paragraph 18 of the Complaint as allege that she made the Facebook post at issue but denies the allegations of paragraph 18 of the Complaint to the extent they suggest that the recording was illegal. Ferlauto denies the remaining allegations contained in paragraph 18 of the Complaint.

19. Ferlauto denies the allegations contained in paragraph 19 of the Complaint. On information and belief, Plaintiff sent the correspondence in question to the wrong address.

20. In response to the allegations contained in paragraph 20 of the Complaint, Ferlauto realleges and reincorporates herein by reference her previous responses to paragraphs 1 through 19 above.

21. Ferlauto denies the allegations contained in paragraph 21 of the Complaint.

22. Ferlauto denies the allegations contained in paragraph 22 of the Complaint.

23. In response to the allegations contained in paragraph 23 of the Complaint, Ferlauto realleges and reincorporates herein by reference her previous responses to paragraphs 1 through 22 above.

24. Ferlauto denies the allegations contained in paragraph 24 of the Complaint.

25. Ferlauto denies the allegations contained in paragraph 25 of the Complaint.

26. Ferlauto denies the allegations contained in paragraph 26 of the Complaint.

27. Ferlauto denies the allegations contained in paragraph 27 of the Complaint.

28. In response to the allegations contained in paragraph 28 of the Complaint, Ferlauto realleges and reincorporates herein by reference her previous responses to paragraphs 1 through 27 above.

29. Ferlauto denies the allegations contained in paragraph 29 of the Complaint.

30. Ferlauto denies the allegations contained in paragraph 30 of the Complaint.

31. Ferlauto denies the allegations contained in the prayer for relief of the Complaint.

32. To the extent that any allegations contained in the Complaint have not otherwise been addressed, Ferlauto denies them, each and every, all and singular.

FOR A SECOND DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's Complaint should be dismissed pursuant to North Carolina Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

FOR A THIRD DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's Complaint should be dismissed because all of the conduct alleged by Plaintiff in the Complaint is protected by the First Amendment of the United States Constitution and Article I, Section 14 of the North Carolina Constitution.

FOR A FOURTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's defamation claim is barred because the allegedly defamatory statement was a statement of opinion protected by the First Amendment to the U.S. Constitution and Article I, Section 14 of the North Carolina Constitution.

FOR A FIFTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's defamation claim is barred because Plaintiff is a public official, and Ferlauto has exhibited no malice and/or reckless disregard for the truth in making her statement.

FOR A SIXTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's defamation claims are barred by the doctrine of truth.

FOR A SEVENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's claim for defamation is barred because Plaintiff has suffered no actual damages as a result of the statements alleged to be defamatory. Further, because of Plaintiff's own actions and inappropriate conduct in the past, Plaintiff already had a reputation in the community which could not be damaged by virtue of the allegedly defamatory statements.

FOR AN EIGHTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. To the extent Plaintiff bases a common law defamation claim upon the publication of a recording allegedly made in violation of N.C.G.S. § 15A-287, such a common law claim is preempted by N.C.G.S. § 15A-287. Further, an audio recording, by its very nature, is a true account of a communication, and thus, it cannot serve as the basis of a claim of defamation, which requires that the statement at issue be false. Finally, to the extent that Plaintiff claims that his own statement on the recording is defamatory, such a claim is barred, as Plaintiff cannot make the claim that he defamed himself by virtue of a statement he himself made.

FOR A NINTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. The provisions of N.C.G.S. §§ 15A-296 and 15A-287 are unconstitutional on their face and as applied in this matter because they violate the First Amendment of the United States Constitution and Article I, Section 14 of the North Carolina Constitution. Specifically, N.C.G.S. §§ 15A-296 and 15A-287 violate the U.S. Constitution and the North Carolina Constitution because they infringe upon the ability of citizens like Ferlauto to publish matters in the public interest which they obtained legally and through no unlawful conduct of their own. As such, N.C.G.S. §§ 15A-296 and 15A-287 are also unconstitutionally overbroad and vague. Further, the recording which serves as the purported basis for holding Ferlauto liable had already become accessible to the public by way of the news story published on the air and online by the local television new station, WSOC-TV Channel 9. Accordingly, Ferlauto cannot

constitutionally be held liable for violating N.C.G.S. § 15A-287 because the recording was previously placed in the public domain by WSOC-TV Channel 9 on the air and online (in an article to which Plaintiff himself links in paragraph 12 of his own Complaint in this matter).

FOR A TENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's claim pursuant to N.C.G.S. § 15A-287 fails as a matter of law because, on information and belief, the recording at issue was consented to by at least one party to the communication.

FOR AN ELEVENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's claim pursuant to N.C.G.S. § 15A-287 fails as a matter of law because, Ferlauto had no reason to know that any information was obtained through a violation of N.C.G.S. § 15A-287.

FOR A TWELFTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's claim pursuant to N.C.G.S. § 15A-287 fails as a matter of law because, Ferlauto had no reason to know that any information was obtained through the interception of a wire or oral communication in violation of N.C.G.S. § 15A-287.

FOR A THIRTEENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's claim for attorneys fees and other litigation costs under N.C.G.S. § 15A-296(3) fails because no such fees or costs can be reasonable, as Ferlauto's conduct is protected by the First Amendment to the U.S. Constitution and Article I, Section 14 of the North Carolina Constitution.

FOR A FOURTEENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's claims are barred by the doctrines of waiver and estoppel.

FOR A FIFTEENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's claims are barred by the doctrine of unclean hands.

FOR A SIXTEENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

1. Plaintiff's claims are barred by his failure to mitigate his damages.

FOR A SEVENTEENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff's "Third Claim for Relief" is barred because "punitive damages" is not a separate and distinct cause of action but rather an element of damages for other causes of action.

FOR AN EIGHTEENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff fails to set for a claim for punitive damages upon which relief can be granted.

FOR A NINETEENTH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. To the extent Plaintiff asserts a claim for punitive damages, Ferlauto specifically incorporates by reference any and all standards of limitations regarding the determination and/or enforceability of punitive damage awards that arose in the decisions of *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559 (1996), *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001), and *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003).

FOR A TWENTIETH DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. To the extent that Plaintiff asserts a claim for punitive damages, Ferlauto affirmatively pleads the following in regard to punitive damages:

(a) An award of punitive damages in this civil action would amount to a deprivation of property without due process of law in violation of the Fifth and

Fourteenth Amendments to the United States Constitution and the corresponding provisions of the North Carolina Constitution;

(b) An award of punitive damages in this civil action would violate the due process provisions of the Fifth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the North Carolina Constitution;

(c) The criteria used for determining whether and in what amount punitive damages may be awarded are impermissible, vague, imprecise and inconsistent and, therefore, violate the due process provisions of the Fifth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the North Carolina Constitution; and

(d) An award of punitive damages in this civil action would amount to an excessive fine in violation of the due process provisions of the Eighth Amendment to the United States Constitution and the corresponding provisions of the North Carolina Constitution; and

FOR A TWENTY-FIRST DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Plaintiff has failed to properly plead a request for injunctive relief and/or a mandatory injunction. Further, Plaintiff has pleaded no facts or appropriate language entitling him to any type of injunctive relief and/or a mandatory injunction in this matter. Further, Plaintiff has not set forth the reasons for the issuance of any injunction, nor has Plaintiff requested an order that is specific in terms or describes in reasonable detail the act or acts to be enjoined or restrained. Further, Plaintiff seeks an injunction of dissemination of and the

destruction of a recording that is already in the public record and which has already been published by WSOC-TV Channel 9, and therefore, Plaintiff cannot compel the destruction of any copy of said recording in the possession of Plaintiff, if any.

FOR A TWENTY-FIRST DEFENSE

1. Ferlauto incorporates by reference herein the allegations of her other defenses which are consistent with this defense.

2. Ferlauto reserves the right to allege additional facts and circumstances in support of her defenses as these facts become available.

CONCLUSION

Having fully answered each and every allegation contained in the Plaintiffs' Complaint, Defendant Michelle Ferlauto prays to the Court as follows:

1. That this Honorable Court dismiss Plaintiff's claims against Ferlauto with prejudice and that Plaintiff take nothing from Ferlauto on his claims;

2. That all issues be tried by a jury;

3. That this Court deny Plaintiff's claim to "enjoin Defendant from any further dissemination of the illegal recording;"

3. That this Court deny Plaintiff's claim for a mandatory injunction "requiring all Defendant [sic] to destroy all copies of the illegal recording;" and

4. Any other relief to which Ferlauto is entitled.

[SIGNATURE LINE ON THE FOLLOWING PAGE]

September 4, 2018

Respectfully Submitted,



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Counsel for Defendant Michelle Ferlauto

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18-CVS-12964

MICHAEL F. MILTICH,

Plaintiff,

v.

MICHELLE FERLAUTO,

Defendant.

**NOTICE OF HEARINGS ON
DEFENDANT MICHELLE FERLAUTO'S
MOTION TO DISMISS AND MOTION
FOR SANCTIONS**

PLEASE TAKE NOTICE that hearings on Defendant Michelle Ferlauto's Motion to Dismiss and Motion for Sanctions will be held on **Wednesday, October 31, 2018, at 10:00 a.m.**, or as soon thereafter as can be heard, in Courtroom #6310 of the Mecklenburg County Courthouse, Courtroom, 832 East Fourth Street, Charlotte, North Carolina 28202.

Respectfully Submitted,

September 4, 2018



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Counsel for Defendant Michelle Ferlauto

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MICHAEL F. MILTICH,

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IN THE GENERAL COURT OF JUSTICE


SUPERIOR COURT DIVISION

18-CVS-12964

**NOTICE OF APPEARANCE OF
JAMES M. DEDMAN, IV FOR
DEFENDANT MICHELLE FERLAUTO**

James M. Dedman, IV of the law firm of Gallivan, White, & Boyd, P.A. enters this Notice of Appearance as counsel on behalf of Defendant Michelle Ferlauto in the above-captioned matter. Please serve James M. Dedman, IV with all future notices and any other documents filed or served in connection with this matter at the address provided below.

Respectfully Submitted,



September 4, 2018

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STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

MICHAEL F. MILTICH,

Plaintiff,

v.

MICHELLE FERLAUTO,

Defendant.

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

18-CVS-12964

CERTIFICATE OF SERVICE


The undersigned certifies that on September 4, 2018 he served copies of Defendant's Motion to Dismiss, Motion for Sanctions, Answer to Complaint (Subject to Motion to Dismiss), Notice of Hearings on Motion to Dismiss and Motion for Sanctions, and the Notice of Appearance of James M. Dedman, IV on all parties and counsel of record by placing copies in the United States Mail, with due and proper postage affixed thereto, and addressed as follows:

Michael K. Elliott
ELLIOTT LAW FIRM, PC
PO Box 1821
13420 Reese Blvd. W.
Huntersville, NC 28078

Counsel for Plaintiff Michael F. Miltich

Eric Spengler
SPENGLER & AGANS, PLLC
1713 East Boulevard, Suite B
Charlotte, NC 28203

Co-Counsel for Defendant Michelle Ferlauto¹


James M. Dedman, IV

¹ Mr. Spengler, as co-counsel for Defendant Michelle Ferlauto, is being served by email only.